

16138 U.S. PTO
020304

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on February 3, 2004 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, Mailing Label Number EV332823942US, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Attorney Docket No.: PLUSP036

First Named Inventor: Steven J. Visco

22141 U.S. PTO
10/772157
020304

Jeffrey Ng

UTILITY PATENT APPLICATION TRANSMITTAL (37 CFR. § 1.53(b))
(Continuation, Divisional or Continuation-in-part application)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir: This is a request for filing a patent application under 37 CFR. § 1.53(b) in the name of inventors:
Steven J. Visco and Yevgeniy S. Nimon

For: **ACTIVE METAL/AQUEOUS ELECTROCHEMICAL CELLS AND SYSTEMS**

Assigned to : PolyPlus Battery Company

This application is a ☐ Continuation ☐ Divisional ☒ Continuation-in-part

of prior Application No.: 10/731,771, filed December 5, 2003, which is a continuation-in-part of Application No. 10/686,189, filed October 14, 2003, which claims priority to Provisional Patent Application No. 60/418,899, filed October 15, 2002, from which priority under 35 U.S.C. §120 are claimed.

This case also claims priority to Provisional Application No. 60/511,710, filed October 14, 2003, Provisional Application No. 60/518,948, filed November 10, 2003, Provisional Application No. 60/527,098, filed December 3, 2003, Provisional Application No. 60/536,688, filed January 14, 2004, Provisional Application No. 60/526,662, filed December 2, 2003, and Provisional Application No. 60/536,689, filed January 14, 2004 are claimed under 35 U.S.C. § 119(e).

The specification has been amended to claim priority from the parent application, or such amendment is included in a separate sheet.

Application Elements:



60 Pages of Specification, Claims and Abstract

☒ **29** Sheets of formal Drawings

☐ Declaration

☐ Newly executed

☐ Copy from a prior application (37 CFR 1.63(d) for a continuation or divisional).

The entire disclosure of the prior application from which a copy of the declaration is herein supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ Deletion of inventors Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

Accompanying Application Parts:

☐ Do not publish this application. Nonpublication Request is attached.

☐ Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)

☐ Power of Attorney

☐ 37 CFR 3.73(b) Statement by Assignee

☐ Information Disclosure Statement with Form PTO-1449 ☐ Copies of IDS Citations

☐ Preliminary Amendment (*New claims numbered after highest original claim in prior application.*)

☒ Return Receipt Postcard

☐ Other:

Claim For Foreign Priority

☐ Priority of _____ Application No. _____ filed on _____
is claimed under 35 U.S.C. § 119.

☐ The certified copy has been filed in prior application U.S. Application No. _____

☐ The certified copy will follow.

Extension of Time for Prior Pending Application

☐ A Petition for Extension of Time is being concurrently filed in the prior pending application. A copy of the Petition for Extension of Time is attached.

☒ **PLEASE DEFER FILING FEES AT THIS TIME.**

☐ Check No. _____ in the amount of \$ _____ is enclosed.

☐ The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 500388 (Order No. _____).

General Authorization for Petition for Extension of Time (37 CFR §1.136)

☒ Applicants hereby make and generally authorize any Petitions for Extensions of Time as may be needed for any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as may be needed to Deposit Account No. 500388 (Order No. PLUSP036).

☒ Please send correspondence to the following address:

Customer Number 022434

Date: February 3, 2004



James E. Austin
Registration No. 39,489